IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

United States of America,					
	Plaintiff,) 8:05CR187)			
	vs.)) DETENTION ORDER)			
Ма	rion Holmes,)			
	Defendant.	j			
A.	Order For Detention After conducting a detention hearing purs Reform Act, the Court orders the above-n U.S.C. § 3142(e) and (i).	rsuant to 18 U.S.C. § 3142(f) of the Bail named defendant detained pursuant to 18			
B.	conditions will reasonably assure the required. X By clear and convincing evidence to the second convincing evidence evide	ion because it finds: nce that no condition or combination of the appearance of the defendant as			
C.	that which was contained in the Pretrial S X (1) Nature and circumstances of t X (a) The crime: Conspiration distribute 500 grams of than 500 grams cocain carries a maximum pensimprisonment. (b) The offense is a crime of X X (c) The offense involves a	racy and possession with intent to s or more of methamphetamine and less aine is a serious crime and nalty of 10 to life e of violence.			
	may affect whe	<u> </u>			

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_	The defendant has no steady employment. The defendant has no substantial financial resources. The defendant is not a long time resident of the					
	community.					
	The defendant does not have any significant community					
	ties.					
	Past conduct of the defendant:					
<u>X</u>	The defendant has a history relating to drug abuse.					
	The defendant has a history relating to alcohol abuse.					
X	The defendant has a significant prior criminal record.					
	The defendant has a prior record of failure to appear at court proceedings.					
(b) At the t	ime of the current arrest, the defendant was on:					
(0) / 11 1110 1	Probation					
	Parole					
	Release pending trial, sentence, appeal or completion of					
() 0.1 -	sentence.					
(c) Other F						
	The defendant is an illegal alien and is subject to					
	deportation. The defendant is a legal alien and will be subject to					
	deportation if convicted.					
	The Bureau of Immigration and Customs Enforcement					
	(BICE) has placed a detainer with the U.S. Marshal.					
	Other:					
Y (4) The nature an	d soriousness of the danger nesed by the defendant's					
X (4) The nature and seriousness of the danger posed by the defendant's release are as follows:						
Non-compliance with previous court orders. History of violent						
behavior.						
X (5) Rebuttable P						
	that the defendant should be detained, the Court also					
	ollowing rebuttable presumption(s) contained in 18 U.S.C.					
§ 3142(e) which the Court finds the defendant has not rebutted: X (a) That no condition or combination of conditions will reasonably						
assure the appearance of the defendant as required and the						
safety of any other person and the community because the Court						
finds that the crime involves:						
	(1) A crime of violence; or					
<u>X</u>	• • • • • • • • • • • • • • • • • • • •					
	imprisonment or death; or					

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		(3)	A controlled substance violation which has a maximum penalty of 10 years or more; or
		(4)	A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
(b)	That no	con	dition or combination of conditions will reasonably
	assure t	the a	appearance of the defendant as required and the
			community because the Court finds that there is
	probable cause to believe:		
	<u> </u>		That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.
		(2)	That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or

D. Additional Directives

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Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

dangerous weapon or device).

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 28, 2005.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge